

REMARKS

Claims 16 and 18-26 are pending in this application. By this Amendment, claim 16 is amended for clarity and to incorporate the subject matter recited in now-canceled claim 17. Claim 26 is added. Support for added claim 26 may be found at least at paragraph [0053] of Applicants' specification. No new matter is added. Claim 17 is canceled without prejudice to, or disclaimer of, the subject matter recited in that claim. Reconsideration of the application in view of the above amendments and the following remarks is respectfully requested.

The Office Action, on page 2, rejects claims 16, 18-21, 23 and 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,933,581 to Miyazaki et al. (hereinafter "Miyazaki") in view of U.S. Patent No. 5,581,668 to Oida et al. (hereinafter "Oida") and further in view of U.S. Patent No. 6,100,995 to Itoh. The Office Action, on page 6, rejects claims 17, 22 and 24 under 35 U.S.C. §103(a) as being unpatentable over Miyazaki in view of Oida, Itoh and further in view of U.S. Patent No. 6,742,130 to Kawase. These rejections are respectfully traversed.

Claim 16 recites, among other features, the communication interface receives the data and controls the speed for receiving the data during the period of transition, and a period when the processor is in the off-state, the controller further, before going into an off-state, sets information in the communication interface for controlling the speed for receiving the data; and the communication interface further controls the speed for receiving the data based on the information set by the controller.

Miyazaki is directed to a communication apparatus that includes an ink jet type printer that is capable of shifting from a normal operation mode to a lower power consumption mode in a stand-by state by placing the printer in a sleep mode (Abstract). The Office Action asserts that Miyazaki teaches many of the features recited in at least independent claim 16.

The Office Action concedes that Miyazaki fails to teach that the processor is in an off-state in the power save mode. Rather, the Office Action relies on Oida, in its disclosure of a method and apparatus for processing data, to make up for this shortfall. Oida is directed to a method and apparatus for processing data, with the data processing side performing main control and the print control side including control for saving power (Abstract). The Office Action concedes that the combination of Miyazaki and Oida fails to teach a communication interface that controls the speed for receiving data during the period of transition. Rather, the Office Action relies on Itoh, in its disclosure of a multi-function device and information storing medium, to make up for this shortfall.

Itoh is directed to a multi-function device connected to a computer that includes a printer for printing on a recording paper, a modem for making facsimile communication, an interface for receiving printing data from the computer, a memory commonly used for the printer and the modem, and a controller for controlling the printer and the modem (Abstract). The Office Action asserts that it would have been obvious to one of ordinary skill to modify Miyazaki and Oida to control the speed for receiving data such as that taught in Itoh because it prevents the printer from receiving more data than the printer is able to store and therefore would not overload the memory and cause an error. The analysis of the Office Action fails for at least the following reasons.

Claim 16 is amended to incorporate the subject matter recited in claim 17. With regard to the rejection of claim 17, the Office Action concedes that a combination of Miyazaki, Oida and Itoh fails to teach setting information in the communication interface for controlling the speed for receiving data before going into an off-state. Rather, the Office Action relies on Kawase, in its disclosure of an interface apparatus, to make up for this shortfall.

No combination of Kawase with Itoh, Oida and Miyazaki would have rendered obvious the combinations of all of the features recited in independent claim 16. There is nothing in any of the currently-applied references that can be considered to correspond to the claimed communication interface receives the data and controls the speed for receiving the data during the period of transition, and a period when the processor is in the off-state.

The Office Action asserts that a CPU 31 in Itoh corresponds to the claimed processor. Itoh teaches, in Fig. 2, an MFD 2 that has an interface 36 having a buffer 36a and a CPU 31. Itoh teaches, at col. 6, lines 9-15, that the reception speed control means 31b of the CPU 31 functions to slow down the speed at which the RAM 33 receives the printing data from a personal computer 1, if the capacity remaining in the RAM 33 reduces to below a predetermined level while the MFD 2 operates in the facsimile transmission or reception mode.

In view of this recitation in Itoh, the Office Action's conclusion regarding what the reference suggests are unreasonable because (1) it is the CPU 31 that controls the reception speed and not the interface 36 as the Office Action asserts, and (2) the reception speed in Itoh is reduced during normal operation in the facsimile transmission or reception modes, and not during a period of transition, as recited in claim 16.

The Office Action asserts that Itoh teaches a buffer within the interface that controls the speed to receive a fraction of the data based on a determination made by the CPU. However, the claimed processor is in an off-state when the communication interface receives the data and controls the speed for receiving the data during the period of transition. Therefore, because the CPU in Itoh must make a determination for the buffer to control the speed of data, the CPU must be in an on-state. Further, the Office Action's assertion that the transition period for the receiving speed takes place during the normal speed or at a lower speed depending on the capacity of the storage during the operation period of either

transmitting or receiving data. The claimed period of transition is a period that transcends from the power save mode to the normal mode. In Itoh, the control speed takes place at either a normal speed or at a lower speed. The Office Action mistakes the term transition period for a transition of the receiving speed. However, the claimed transition period is a change between the claimed normal mode and the power save mode.

For at least the foregoing reasons, no combination of the currently-applied references would have rendered obvious the combination of all of the features recited in independent claim 16. Further, dependent claims 18-25 would also not have been rendered obvious for at least the dependence of these claims on independent claim 16, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 16 and 18-25 under 35 U.S.C. §103(a) over the various combinations of currently-applied references are respectfully requested.

Added claim 26 would not have been rendered obvious by any of the currently-applied references for at least its dependence on independent claim 16, as well as for the separately patentable subject matter that claim 26 recites.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 16 and 18-25, and consideration and allowance of claim 26, are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Michael J. Steger  
Registration No. 66,034

JAO:MJS/cfr

Date: September 14, 2010

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 320850**  
**Alexandria, Virginia 22320-4850**  
**Telephone: (703) 836-6400**

<b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry of this filing; Charge any fee due to our Deposit Account No. 15-0461
---